

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TREVONNE WILLIAMS,)	
)	
Plaintiff,)	
)	Civil Action File No.
v.)	_____
)	
BENNY POSSELT, PORTAGE)	State Court of DeKalb County
TRANSPORT, INC., AND MANITOBA)	Civil Action No.: 23A01195
PUBLIC INSURANCE,)	
)	
Defendants.)	

NOTICE OF AND PETITION FOR REMOVAL

COMES NOW Defendants Portage Transport, Inc. and Manitoba Public Insurance (“Defendants”), and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, files this Notice of and Petition for Removal, showing the Court as follows:

1.

On March 20, 2023 (“Plaintiff”) filed suit against Defendants in the State Court of Dekalb County, bearing Civil Action Number 23A01195 (the “State Action”).

2.

The Summons and Complaint in said State Action are attached hereto as **Exhibit A**. Defendant Portage Transport, Inc.’s Answer to Plaintiff’s Complaint is attached hereto to **Exhibit B**. Defendant Manitoba Public Insurance’s Answer to Plaintiff’s

Complaint is attached hereto as **Exhibit C**. Defendants Jury demand is attached hereto as **Exhibit D**. All other Documents filed are attached hereto as **Exhibit E**.

3.

The Plaintiff in this action, Trevonne Williams is now, was at the time of commencement of this lawsuit, and at all times since, a citizen and resident of the State of Georgia. (*See* Complaint, **Exhibit A**, ¶ 1)

4.

Upon information and belief, Defendant Benny Posselt has not been served with process. In his Complaint, Plaintiff alleges that Mr. Posselt resides in Manitoba, Canada. (*See* Complaint, **Exhibit A**, ¶ 2)

5.

Defendant Portage Transport, Inc. is now, was at the time of commencement of the lawsuit, and at all times since, a corporation organized and existing under the laws of Canada, and having its principal place of business at 1450 Lorne Avenue East, Portage La Prairie, Manitoba, Canada R1N 4A2. (*See* Complaint, **Exhibit A**, ¶ 3)

6.

Defendant Manitoba Public Insurance is now, was at the time of commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of Canada, and having its principal place of business at 731 – 1st Street, Brandon, Manitoba R7Z 6C3. (*See* Complaint, **Exhibit A**, ¶ 4)

7.

Plaintiff alleges in his Complaint that as a result of a collision on April 21, 2021, he suffered severe and permanent injuries. (*See* Complaint) Plaintiff does not state an amount of special damages in the Complaint. (*See* Complaint) On December 13, 2022, Plaintiff demanded the sum of \$350,000.00. (*See* Demand, attached hereto as **Exhibit F**) Therefore, Plaintiff is seeking sums in excess of \$75,000.00, exclusive of interest and costs.

8.

All Defendants properly joined and served in this lawsuit join and consent in the instant notice of removal. Defendant Posselt has not been served with the lawsuit.

9.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1446(a), (b), and (c), and in accordance with 28 U.S.C. § 1332(a), there being diversity of citizenship between the Plaintiff and the properly joined and served Defendants, and the matter in controversy, exclusive of interests and costs, exceeds the sum of \$75,000.

10.

Now, within thirty (30) days after service and receipt by the Defendants of Plaintiff's Complaint, notice is hereby given in accordance with 28 U.S.C. § 1446

and pursuant to Rule 11, Federal Rules of Civil Procedure, of the removal of said action to this Court.

This **16th** day of May, 2023.

**COPELAND, STAIR,
VALZ & LOVELL, LLP**

By: /s/ Jay M. O'Brien

JAY M. O'BRIEN

State Bar No.: 234606

Counsel for Defendants

191 Peachtree Tower, Suite 3600
191 Peachtree Street NE
P.O. Box 56887 (30343-0887)
Atlanta, Georgia 30303-1740
Phone: 404-522-8220
jobrien@csvl.law

CERTIFICATE OF FONT AND CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was prepared in Times New Roman 14-point font in conformance with Local Rule 5.1C, and that I have served a copy of the **NOTICE OF AND PETITION FOR REMOVAL** via electronic filing and service to counsel as follows:

Jason E. Reeves
THE REEVES FIRM, LLC
305 West Wieuca Road, NE, First Floor
Atlanta, GA 30342
jreeves@reeveslawllc.net
Counsel for Plaintiff

This **16th** day of May, 2023.

**COPELAND, STAIR,
VALZ & LOVELL LLP**

By: /s/ Jay M. O'Brien
JAY M. O'BRIEN
State Bar No.: 234606
Counsel for Defendants

191 Peachtree Street, NE, Suite 3600
Atlanta, GA 30303-1740
(404) 215-2443
jobrien@csvg.law